

***Listing of All Claims Including Current Amendments***

1. (Currently Amended) A material grasping and holding instrument with a handle consisting of two handgrips and a holding portion that consists of at least two jaw members and can be actuated by the handle, where the jaw members of the holding portion can be locked by means of a spring element both in an end position with opened jaw members that releases the holding portion and in an end position with closed jaw members that locks the holding portion, wherein the spring element configured as a flat spring and connecting the two handgrips to one another is mounted between the handgrips of the handle via at least two stationary bearing points ~~in such a way that~~, to lock the jaw members in their end positions, the spring element can be moved by way of a ~~storage-bearing~~ point of ~~[[a]]~~ one handgrip on the spring element between two end positions that relax the spring element.
2. (Currently Amended) A material grasping and holding instrument as in claim 1, wherein the spring element is mounted so that it is pretensioned between the handgrips in ~~an~~ the opening direction of the handgrips and thus of the end position releasing the holding portion.
3. (Currently Amended) A material grasping and holding instrument as in claim 1, wherein the spring element is stored with one end at a ~~storage-bearing~~ point in the area of ~~an~~ the proximal end of a handgrip and with the other end at a ~~storage-bearing~~ point in ~~at~~ the center area of the other handgrip.
4. (Currently Amended) A material grasping and holding instrument as in claim 3, wherein, in order to store the spring element in ~~at~~ the center area of the handgrip, on this handgrip an extension is configured protruding into ~~an~~ the interval between the two handgrips, on ~~at~~ the free end of which extension the spring element is stored.

5. (previously presented) A material grasping and holding instrument as in claim 1, wherein a handgrip of the handle is configured as to be rigidly conjoined in one piece with one jaw member of the holding portion, while the other handgrip of the handle is pivotally connected with the other jaw member of the holding portion to swivel around a pivot point.

6. (Currently Amended) A material grasping and holding instrument as in claim 5, wherein the spring element is stored with one end at the storage-bearing point in the area of atthe proximal end of the rigid handgrip and with the other end at the storage bearing point in atthe center area of the rotatable handgrip.

7. (Currently Amended) A material grasping and holding instrument as in claim 5, wherein the storage-bearing point where the spring element in atthe center area of the handgrip is stored, is arranged in anthe upper end position that releases the holding portion, above a line (L1) which connects the pivot point between atthe rotatable handgrip and atthe rotatable jaw member with the storage-bearing point of the spring element in the area of atthe proximal end of the rigid handgrip.

8. (Currently Amended) A material grasping and holding instrument as in claim 5, wherein the storage-bearing point where atthe spring element in the center area of the handgrip is stored, is arranged in atthe lower end position that locks the holding portion, below a line (L1) which connects the pivot point between atthe rotatable handgrip and atthe rotatable jaw member with the storage-bearing point of the spring element in the area of atthe proximal end of the rigid handgrip.

9. (previously presented) A material grasping and holding instrument as in claim 1, wherein both handgrips of the handle are configured in one piece and rigidly connected in each case with one jaw member of the holding portion, where the handgrips or jaw

members, crossing one another, are stored so that they can swivel with respect to one another around a common pivot point.

10. (Currently Amended) A material grasping and holding instrument as in claim 9, wherein the storage ~~bearing~~ point where the spring element in atthe center area of the handgrip is stored, is arranged on an arc (K) around the pivot point.

11. (Currently Amended) A material grasping and holding instrument as in claim 1, wherein at least one jaw member of the holding portion is ~~firmly connected~~ with one spring element respectively, and the spring element is pretensioned and installed on ~~at~~the distal side between the pivot point for rotating at least one jaw member and on ~~at~~the proximal side one rigid abutment bearer ~~in such a way that for moving~~ every spring element ~~can be moved by~~ means of one handgrip of the handle in each case between an end position that releases the holding portion and an end position that locks the holding portion.

12. (Currently Amended) A material grasping and holding instrument as in claim 11, wherein one jaw member of the holding portion is configured as a single piece rigidly connected with a handgrip of the handle and the other jaw member of the holding portion is firmly connected with the spring element, so that ~~at~~the abutment bearer of the spring element is firmly connected with the rigid handgrip and the other handgrip of the handle is stored so as to be rotatable around a pivot point at ~~at~~the proximal end of the rigid handgrip and ~~at~~the rotatable handgrip is connected with the spring element.

13. (previously presented) A material grasping and holding instrument as in claim 1, wherein the grasping and holding instrument is a needle holder.

14. (previously presented) A material grasping and holding instrument as in claim 1, wherein the grasping and holding instrument is a tube shaft instrument and the handle is connected with the holding portion by at least one force transmission element, particularly a push-pull rod.

15. (new) An instrument for grasping and holding, comprising:
- a first handle and a second handle, each having a proximal end and a distal end; said first handle having a bearing point between said distal and proximal ends, said second handle and said first handle being joined together at a pivot point, said pivot point being proximate to said proximal ends;
  - a spring extending from said bearing point to said distal end of said second handle;
  - a distance from said pivot point to said distal end of said second handle defining a line of external force;
  - wherein an open position of said distal ends is defined by said bearing point being above the line of external force and a closed position is defined by said bearing point being below the line of external force; and
  - wherein an external force is needed to be exerted upon said first and second handles to move said bearing point through the line of external force from the closed position to the open position and from the open position to the closed position.

16. (new) The instrument according to claim 15, wherein said distance is a shortest distance between said pivot point and said distal end of said second handle.

17. (new) The instrument according to claim 15, further comprising:
- a jaw member connected to said first handle at a first pivot point; and
  - said jaw member connected to said second handle at a second pivot point.

18. (New) An instrument for grasping and holding, comprising:

- a first handle and a second handle, each having a proximal end and a distal end;  
said first and second handles being joined together at a first pivot point, said first pivot point being at said proximal ends;

- a first jaw member and a second jaw member being joined together at a second pivot point located between said proximal and distal ends of said second handle;

- said first handle having a bearing point between said distal and proximal ends,

- said second handle having an extension between said distal and proximal ends;

- a spring extending from said second pivot point to said extension;

- said bearing point being attached to said spring at a location between said second pivot and said extension;

- a distance from said second pivot point to said extension defining a line of external force;

- wherein an open position of said jaw members is defined by said bearing point being below the line of external force and a closed position is defined by said bearing point being above the line of external force; and

- wherein an external force is needed to be exerted upon said first and second handles to move from the closed position to the open position and from the open position to the closed position.